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EXAMINER

KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/201,018

Applicant(s)

ROSIN ET AL.

Examiner

Andrew Y. Koenig

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,12-55,58-63,66 and 67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,12-55,58-63,66 and 67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/9/04, 1/31/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-9, 12-55, 58-63, 66 and 67 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 29, 33, 36, and 66 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 29, 33, 36, and 66 each recite apparatus claims are apparatus claims performing a process, wherein the process merely manipulates abstract ideas (e.g. content categories, channels, and individual content) without any limitation to the practical application (in this case of positively reciting the display of user selected information, in lieu of being enabled).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2611

4. Claims 1, 6-9, 12, 14, 19-30, 32, 36-46, 48-55, 58, 60, 62, 63, 66, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,623,613 to Rowe et al. (Rowe) in view of U.S. Patent 6,005,565 to Legall et al. (Legall).

Regarding claim 1, Rowe teaches displaying categories and subcategories, channels, and programs with additional data (which equates to the claimed associated individual content) by a graphical user interface, see figures 2-4 and 6-8. Rowe displays a set of categories and subcategories, plurality of channels related to the category and subcategories (col. 7, ll. 19-21). Additionally, Rowe teaches displaying information regarding the focused channel, as shown in figures 2-4, 6-8, which are shown simultaneously and enables the selection of a category, related channel and individual content by the user (col. 9, ll. 47-67). Rowe teaches navigating in the display among the categories, related channels, and associated individual content items (col. 2-3, ll. 51-4).

Rowe teaches providing individual content items as television programming, but is silent on selecting interactive navigation of the individual content item. In analogous art, Legall teaches searching through electronic program guides by searching by a variety of search criteria (including category –344 and sub-category – 346, inter alia) (fig. 3B, col. 3, ll. 35-39), wherein the search results are shown in the same window (see fig 2). Legall teaches an HTML frame 210, which displays a list of web-sites or a particular web site (215) (col. 2, ll. 40-59), which equates to interactive navigation of the individual content.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rowe by selecting individual content as taught by Legall in order to facilitate the user to get more information regarding a program.

Rowe teaches a preview section (92) for providing additional information regarding programs including showing the broadcast video data of a current program (col. 14, ll. 33-67). Further, Rowe teaches a graphical user interface window enabling a user to select a category, displayed channel related to the category, and display an individual content where the individual content is television programming.

Rowe is silent on enabling a user to select an individual content item associated with the displayed channel. Legall teaches that the individual content is associated with the displayed content (col. 1, ll. 37-43, col. 3, ll. 17-27). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rowe by enabling a user to select detailed information in a guide to permit the user to access via a link the Internet wherein the information of the link is displayed in the same window as taught by Legall in order to display the content on the same screen thereby facilitating access to additional information.

Rowe is silent on selecting interactive data, wherein both interactive data and set of channels are included within a single window. Legall teaches upon selecting web content (claimed interactive data) displaying the interactive data and set of channels in the same (single) window (see fig. 2). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rowe by

Art Unit: 2611

selecting interactive data, wherein both interactive data and set of channels are included within a single window as taught by Legall in order to provide the user with a information from a variety of sources while simultaneously accessing the information on a single page thereby facilitating access of information to the user.

Regarding claim 6, Rowe teaches displaying individual content fig. 2-4, 6-8, labels 56 and 90, which occupies a substantial portion of the display.

Regarding claim 7, Rowe teaches a household, which reads on client that displays the graphical user interface (fig. 1; fig. 2-4, 6-8).

Regarding claim 8, Rowe teaches establishing a connection to a source (fig. 1, label 30).

Regarding claim 9, Rowe teaches a remote control (fig. 1, label 40; fig. 5), which enables the user to select among the set of categories, related set of channels and associated data.

Regarding claim 12, Rowe teaches content such as a preview section (col. 14, ll. 32-38) and program summary panel (90) (col. 14, ll. 8-31), which equates to extended content.

Regarding claim 14, Rowe teaches that in the selectable channel includes information related to the selectable channel (fig. 2-4, 6-8, label 90).

Regarding claim 19, the limitations of claim 19 have been addressed in the discussion of claims 1 and 9.

Regarding claim 20, Rowe teaches a focus frame (label 60), which equates to the claimed selection enabling means.

Regarding claim 21, Rowe teaches the using the focus frame to scroll to additional categories (col. 8, ll. 38-67, col. 9, ll. 49-67).

Regarding claim 22, Rowe teaches the focus frame to enable the user to scroll through the set of channels in a category (col. 8, ll. 59-63).

Regarding claim 23, Rowe is silent on clicking in an area and the area transitions to a full-display mode. Official Notice is taken that clicking in an area where the area transitions into full-display mode is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rowe by clicking in an area which in turn transitions into full-display mode in order to choose a program using a cursor in a user-interface and providing a user friendly visual oriented guide thereby simplify program selection.

Regarding claim 24, the limitations of claim 24 have been addressed in the discussion of claim 1. Claim 24 adds the limitation of "means for establishing an interactive data connection." Rowe teaches a two-way communications link between the headend (col. 6, ll. 42-49, col. 7, ll. 1-15), clearly the system of Rowe must establish a communication link with the headend in order to transmit the interactive data.

Regarding claim 25, Rowe teaches a multiple channel interactive data system (see figures 2-4, 6-8).

Regarding claims 26 and 27, Rowe teaches a digital cable system (col. 6, ll. 31-40) and a satellite system (col. 1, ll. 21-24).

Art Unit: 2611

Regarding claim 28, as shown in figure 1, set-top converter (label 32) is connected between the headend (claimed source) and the receiving unit (claimed display).

Regarding claim 29, the limitations of claim 29 have been addressed in the discussion of claims 1 and 12.

Regarding claim 30, Rowe is silent on displaying the current time. Official Notice is taken that displaying the current time is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rowe by adding to the display the current time in order to display information to the user to choose a program relative to the current time.

Regarding claim 32, Rowe teaches embedding video in the guide in the preview section (col. 14, ll. 32-38).

Regarding claim 36, the limitations of claim 36 have been addressed in the discussion of claims 1 and 14.

Regarding claims 37 and 38, Rowe teaches video clips and real-time video (col. 14, ll. 32-38).

Regarding claim 39, as shown in figures 2-4 and 6-8, Rowe teaches content provider information.

Regarding claim 40, as shown in figures 2-4 and 6-8, Rowe teaches channel information.

Regarding claim 41, as shown in figures 2-4 and 6-8, Rowe teaches program information.

Regarding claim 42, Rowe is silent on live links to other related information. Legall teaches links to other web-sites (as shown in figure 2, label 215), which reads on live links. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rowe by using live links as taught by Legall in order to access information from a plurality of sources.

Regarding claim 43, Rowe displays the program title (see figures 2-4, and 6-8).

Regarding claim 44, Rowe is silent on the program length. Official Notice is taken that program length is notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rowe to include program length in order to aid the user in choosing a desirable program to watch.

Regarding claim 45, Rowe teaches displaying the program summary (fig. 2-4, 6-8).

Regarding claim 46, Rowe is silent on programs start and end time. Official Notice is taken that start and end time is notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rowe to include start and end time in order to aid the user in choosing a desirable program to watch and schedule the appropriate amount of time.

Regarding claim 48, Rowe teaches displaying the next program in chronological order (col. 3, ll. 18-21).

Regarding claim 49, Rowe teaches displaying particular information relating to the program information (fig. 2-4, 6-8).

Regarding claim 50, Rowe is silent on live links that are adapted to enable the user to scroll forward to the next information or backward to the previous information. Official Notice is taken that web browsers are well known in the art, web browsers inherently allows the user to scroll forward to the next information and backwards to the previous information via the back and forward buttons in order to efficiently view information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rowe by enabling forward and backward scrolling in order to easily and efficiently access information, thereby providing a friendlier user interface.

Regarding claim 51, Rowe is silent on linking directly to linked information. Legall teaches directly linking to the appropriate web sites for information upon selection, which equates to linking directly to linked information (figure 2, label 215, col. 2, ll. 40-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rowe by linking directly to linked information as taught by Legall in order to receive current up-to-date information.

Regarding claim 52, Rowe is silent on selecting particular information from the program information. Legall teaches selecting a link (claimed particular information) from program information (figure 2, label 215, col. 2, ll. 40-59, col. 3, ll. 17-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rowe by enabling selection of particular information from the program information as taught by Legall in order to promote

interactivity and encourage the user to select the best desirable program for themselves.

Regarding claim 53, the limitations of claims 53 and 65 have been addressed in the discussion of claim 1.

Regarding claim 54, Rowe teaches a remote control (fig. 5) for enabling the user to select a category and displaying a set of channels related to the selected category (col. 3, ll. 5-21; col. 3-4, ll. 64-7).

Regarding claim 55, Rowe teaches a remote control (fig. 5) for enabling the user to select a desired channel and displaying the individual content associated with the selected channel (col. 15-16, ll. 36-4).

Regarding claim 58, Rowe teaches displaying a set of channels related to a category simultaneously with the set of categories (see fig. 2-4, 6-8).

Regarding claim 60, Rowe teaches simultaneous display of individual content associated with the selected channel and set of channels (fig. 2-4, 6-8).

Regarding claim 62, the limitations of claim 62 have been addressed in the discussion of claim 52.

Regarding claim 63, the limitations of claim 63 have been addressed in the discussion of claim 52.

Regarding claims 66 and 67, the limitations of claims 66 and 67 have been addressed in the discussion of claim 1.

5. Claims 3, 4, 59, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,623,613 to Rowe et al. and U.S. Patent 6,005,565 to Legall et al. (Legall) in view of U.S. Patent 5,880,768 to Lemmons et al.

Regarding claim 3, Rowe teaches a central storage location (label 12) for storing the EPG and the additional data. Accordingly, Rowe fails to explicitly teach displaying a set of channels substantially instantaneously, due to the information being stored remotely. The system of Lemmons teaches storing program guide data with additional data and software in memory (col. 7, ll. 20-30) in order to access the information quickly and efficiently. Accordingly, Lemmons teaches clearly displaying a set of channels related to a category substantially instantaneously upon selection of the category, in order to display information quickly to the user and encouraging interactivity.

Regarding claim 4, Rowe teaches a central storage location (label 12) for storing the EPG and the additional data. Accordingly, Rowe fails to explicitly teach displaying a set of channels substantially instantaneously, due to the information being stored remotely. The system of Lemmons teaches storing program guide data with additional data and software in memory (col. 7, ll. 20-30) in order to access the information quickly and efficiently. Accordingly, Lemmons teaches clearly displaying a set of channels related to a category substantially instantaneously upon selection of the category, in order to display information quickly to the user and encouraging interactivity.

Regarding claim 59, the limitations of claim 59 have been addressed in the discussion of claim 3.

Regarding claim 61, the limitations of claim 61 have been addressed in the discussion of claim 4.

6. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,623,613 to Rowe et al. and U.S. Patent 6,005,565 to Legall et al. (Legall) in view of U.S. Patent 5,532,754 to Young et al.

Regarding claim 31, Rowe and Young are silent on a graphical representation between the current time and the total from start to the end of a program. Young teaches a time relation that represents the relationship between the current time and the total length of the program (fig. 10, label. 72). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Rowe and Young by graphically displaying the elapsed time in order to graphically display the time remaining in the program.

7. Claims 13, 15, 18, 33, 34, 35, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,623,613 to Rowe et al. (Rowe) and U.S. Patent 6,005,565 to Legall et al. (Legall) in view of U.S. Patent 6,240,555 to Shoff et al.

Regarding claim 13, Rowe is silent on teaching a content description language. Shoff teaches displaying web-pages (col. 3, ll. 15-38), additionally, Shoff teaches HTML, which is a content description language (col. 5, ll. 24-33; col. 12, ll. 48-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rowe by using a content description language such as HTML in order

Art Unit: 2611

to provide a platform independent format, which can be displayed similarly across the different platforms thereby enabling a large quantity of viewers to receive and access the information.

Regarding claim 15, Rowe is silent on teaching a set of channels comprising websites. Shoff teaches a set of channels comprising websites (see figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rowe by having a plurality of channels comprising websites as taught by Shoff in order to provide access to supplemental content for a variety of programs, thereby enabling the user to access information when desired and in an user-friendly fashion.

Regarding claim 18, Rowe is silent on the user interface comprising a front-end for world-wide-web access. Shoff teaches using the EPG as a front-end for world-wide-web access (col. 14, ll. 14-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rowe by using the user interface as a front-end for world-wide-web access in order to enable the user to easily access the world-wide-web.

Regarding claim 33, the limitations of claim 33 have been addressed in the discussion of claims 1 and 13.

Regarding claim 34, the limitations of claim 34 have been addressed in the discussion of claim 13.

Regarding claim 35, Rowe is silent on decoding HTML content. Shoff teaches displaying HTML content (fig. 7, label 182), which reads on decoding HTML content.

Art Unit: 2611

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rowe by decoding HTML content as taught by Shoff in order to display the information according to the HTML description format thereby permitting the user to navigate easily.

Regarding claim 47, the limitations of claim 47 have been addressed in the discussion of claim 13.

8. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,623,613 to Rowe et al. (Rowe) and U.S. Patent 6,005,565 to Legall et al. (Legall) in view of U.S. Patent 5,673,089 to Yuen et al.

Regarding claim 16, Rowe is silent on teaching automatically moving from category to category to enable the user to view channels related to each category and individual content associated with each channel. Yuen teaches automatically scanning the channels to surf the content (col. 7-8, ll. 66-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rowe by automatically scanning as taught by Yuen in order to automatically scan the categories and channels thereby enabling the user to effortlessly browse categories while simultaneously freeing the user's hand.

Regarding claim 17, Rowe is silent on teaching automatically moving from channel to channel to enable the user to view the individual content associated with each channel. Yuen teaches automatically scanning the channels to surf the content (col. 7-8, ll. 66-21). Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify Rowe by automatically scanning as taught by Yuen in order to automatically scan the channels thereby enabling the user to effortlessly browse channels while simultaneously freeing the user's hand.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone

Art Unit: 2611

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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